

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

RANDY WATKINS, ROBERT PENLAND,
CAMERON MURRAY, RANDALL DENARDI,
STAN DALTON, KIP SPRAGUE, CHARLES
YOUNG, TERRENCE STOKAN, and
LEON RAY FLEMING, JR.,

Plaintiffs,

v.

CTI ALASKA, INC.; BP EXPLORATION
(ALASKA), INC.; GEORGE HAUGEN; and
WILLIAM F. WEBB,

Defendant.

Case Number 3AN-98-6037 CI

VOLUME I

TRANSCRIPT OF PROCEEDINGS

January 18, 2000 Pages 1 through 5

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M.O. ENTERING FINDINGS &
JUDGEMENTS IN FAVOR OF PLAINTIFFS

BEFORE THE HONORABLE JUDGE JOHN REESE
Superior Court Judge

Anchorage, Alaska
January 18, 2000
8:20 a.m.

APPEARANCES:

FOR THE PLAINTIFF:

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1 Tape Number 51-1298

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2 THE CLERK: On record.

3 THE COURT: We're on the record in the Watkins v CTI matter,
4 number 3AN-98-6037. Remaining before the Court for decision are
5 the claims of Watkins, Denardi, Murray, Dalton and Sprague.
6 They've made claim for overtime wages and penalties under the Wage
7 and Hour Laws of Alaska.

8 The defendants raised, as a defense, the argument that
9 the positions held by these employees were exempt from the
10 overtime provisions of the law because the positions were
11 administrative or supervisory.

12 Considering first the defenses. This Court concludes
13 that neither the Plant Inspector positions, nor the Field
14 Supervisor position were of the type that are exempt from
15 application of the overtime law.

16 Under Alaska law Supervisors, to be exempt, must be
17 hired solely to supervise others. That was not the case here.
18 Supervision was a minor part of the job.

19 The Plant Inspectors were not exercising independent
20 discretion as required by the administrative exemption, and were
21 merely producing examinations, along with other routine work.

22 These employees were not exempt from the overtime
23 provisions of the Wage and Hour Law. The administrative, or
24 supervisory elements of their work, if any, were minor and
25 certainly no where near the 80 percent required.

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The day rate paid to the employees does not comply with any allowed method of payment to non-exempt employees.

The employer is responsible for time keeping for hourly workers. Considering this, weight is given to the employees estimates of their hours worked. That is, the Court is starting from the premise that the employee's numbers are accurate. The employer must rebut this presumption, and the Court finds it has not done so. The employee's evidence of hours work is persuasive and accepted by the Court.

Counsel argued several methods of determining the hourly rate of these employees. Number 1, the daily rate divided by 11.5, which is found at B2 in the Greisen report, exhibit GY. This method is rejected by the Court as there was clear, un-rebutted testimony that the day rate was intended, initially, to be equivalent to what each employee would have received under an hourly method of computation, including straight and overtime.

Second, using vacation time. And this is analyzed in B1 in the Greisen report. This method is too indirect. The day rate and the actual hours worked, along with 11.5 per day assumption, is a more direct method of calculation and lends itself to more accuracy.

Number 3 is weekly earnings divided by the hours worked, and one half on the overtime hours, which is analyzed under B3 in the Greisen report. This approach seems to be the most accurate of the three calculations presented to the Court. It does not

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1 minimize the calculation, nor does it include a penalty. It is
2 consistent with the CFR approach to analyzing piece work payment
3 found at 29 CFR 778.111(a). These employees are also entitled to
4 the full penalties provided plus interest.

5 Therefore judgement will be entered, based on the
6 Greisen report calculations, of money due to Dalton, Denardi,
7 Murray, Sprague and Watkins.

8 Plaintiff's counsel shall prepare a formal final
9 judgment for each plaintiff.

10 Off record.

11 THE CLERK: Off record.

12 Log 303

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C-E-R-T-I-F-I-C-A-T-I-O-N

SUPERIOR COURT

STATE OF ALASKA

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) SS.
)

I, Beth Clayton, hereby certify:

That the foregoing pages number 1 through 5 contain a full, true and correct transcript of proceedings in cause number 3AN-98-6037, Civil, Randy Watkins, Robert Penland, Cameron Murray, Randall Denardi, Stan Dalton, Kip Sprague, Charles Young, Terrence Stokan, and Leon Ray Fleming, Jr., v. CTI Alaska, Inc., BP Exploration (Alaska), Inc., Geroge Haugen, and William F. Webb, transcribed by me to the best of my knowledge and ability from a tape identified as follows:

Tape Number 51-1298 Log 0128 through 0303

DATED at Anchorage, Alaska this 23rd day of January, 2000.

SIGNED AND CERTIFIED BY:

Beth Clayton
Beth Clayton
Court Reporter

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